

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
WESTERN DIVISION**

DEBRA GRAHAM, et al.,)	
)	
Plaintiffs,)	Case No. 3:08-cv-50019
)	
v.)	Judge Fredrick J. Kapala
)	
RYAN INTERNATIONAL AIRLINES, INC.)	Magistrate Judge Michael Mahoney
)	
Defendant.)	

**JOINT MOTION TO STAY INITIAL PRETRIAL CONFERENCE AND ALL
DISCOVERY PENDING RULING ON DEFENDANT'S MOTION TO DISMISS
CLAIMS FIVE THROUGH TEN OF PLAINTIFFS' FIRST AMENDED COMPLAINT**

Plaintiffs DEBRA GRAHAM AND KATHLEEN HINDES (“Plaintiffs”) and Defendant RYAN INTERNATIONAL AIRLINES, INC. (“Defendant” or “Ryan”) (collectively, “the Parties”), through their undersigned counsel, hereby respectfully move to stay the Initial Pretrial Conference and any discovery in this case, pending the Court’s ruling on Defendant’s Motion To Dismiss Claims Five Through Ten Of Plaintiffs’ First Amended Complaint. In support of their motion, the Parties state the following:

1. On March 19, 2008, Plaintiffs Debra Graham and Kathleen Hindes filed a ten-count first amended complaint against their former employer, Ryan, alleging claims under (1) the Family Medical Leave Act (“FMLA”) 29 U.S.C. § 2601 *et seq.* and 5 U.S.C. § 6381 *et seq.*, (First, Second, Third, and Fourth Claims), (2) the Fair Labor Standards Act, 29 U.S.C. §201 *et seq.* (“FLSA”) (Sixth and Ninth Claims), (2) the Illinois Minimum Wage Law, 820 ILCS 105/1

et seq. (“IMWL”) (Fifth Claim), and (3) Illinois common law (Seventh, Eighth, and Tenth Claims).¹

2. On April 2, 2008, the Court set an Initial Pretrial Conference set for May 9, 2008, at 1:30 p.m., and ordered the parties to provide a proposed case management order by May 8, 2008 (Docket No. 20.)

3. On May 5, 2008, Defendant filed a Motion To Dismiss Claims Five Through Ten Of Plaintiffs’ First Amended Complaint (Docket No. 31).²

4. Plaintiffs’ First through Fourth Claims (the FMLA) claims, are pled on behalf of Plaintiff Graham only. Plaintiff Graham’s FMLA claims are the only claims that Defendant has not moved to dismiss. Defendant has moved to dismiss all of the remaining claims in their entirety, with prejudice.

5. Plaintiffs’ Fifth (IMWL), Ninth (FLSA retaliation), and Tenth (intentional infliction of emotional distress) Claims are pled on behalf of Plaintiffs Graham and Hindes in their individual capacities.

6. Plaintiffs’ Sixth (FLSA overtime), Seventh (*quantum meruit*), and Eighth (unjust enrichment) Claims are pled on behalf of Plaintiffs Graham and Hindes in their individual capacities and on behalf of a collective of allegedly similarly situated Ryan employees.

¹ Plaintiffs’ Complaint was originally filed on January 29, 2008 (Docket No. 1), and was amended by motion made on March 19, 2008 (Docket No. 9), only to correct numbering errors.

² Defendant’s Motion to Dismiss was originally filed on May 2, 2008 (Docket No. 26), and was re-filed on May 5, 2008 to correctly refer and cite to Plaintiffs’ First Amended Complaint (Docket No. 31).

7. Accordingly, the Court's ruling of Defendant's motion to dismiss Plaintiffs' Fifth through Tenth claims may significantly limit the scope of this case, including eliminating Plaintiff Hindes as a party, and/or eliminating the collective action allegations.

8. Plaintiffs believe that all of their claims are viable and should not be dismissed. Nevertheless, Plaintiffs, like Defendant, want to avoid wasting resources on discovery (including collective action discovery) that may become unnecessary if the Court rules in Defendant's favor, in whole or in part, on the motion to dismiss.

FOR THESE REASONS, the Parties respectfully request that the Initial Pretrial Conference in this case, currently set for Friday, May 9, 2008 at 1:30 p.m., as well as the parties' proposed case management order and all discovery in this case, be stayed pending the Court's ruling on Defendant's Motion to Dismiss Claims Five Through Ten Of Plaintiffs' First Amended Complaint.

Dated: May 7, 2008

Respectfully submitted,

DEBRA GRAHAM AND KATHLEEN
HINDES

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CERTIFICATE OF SERVICE

I hereby certify that a copy of the above and foregoing was electronically filed with the Court this 7th day of May, 2008, which will send a notice of electronic filing to the following counsel of record:

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/s Alison B. Willard
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